

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TERRI PECHNER-JAMES and SONIA)
FERNANDEZ,)
Plaintiffs,)
v.) C.A. No. 03-12499-MLW
)
CITY OF REVERE, THOMAS AMBROSINO,)
MAYOR, CITY OF REVERE POLICE)
DEPARTMENT, TERRENCE REARDON,)
CHIEF OF POLICE, BERNARD FOSTER,)
SALVATORE SANTORO, ROY COLANNINO,)
FREDERICK ROLAND, THOMAS DOHERTY,)
JOHN NELSON, JAMES RUSSO, MICHAEL)
MURPHY and STEVEN FORD,)
Defendants,)

SUPPLEMENT TO DEFENDANTS' JOINT STATUS REPORT

NOW COME the Defendants and hereby submit this supplement to their joint status report.

I.

SONIA FERNANDEZ'S DEPOSITION

In their joint status report filed herein on May 17, 2006 (Docket No. 193), Defendants reported that Plaintiff Fernandez was scheduled for deposition on May 18, 2006. In its supplemental memorandum of law filed herein at 11:12 a.m. on May 18, 2006 (Docket No. 195), the City Defendants reported that Plaintiff Fernandez failed to appear for this deposition.

At 4:02 p.m. on the afternoon of May 18, 2006, Counsel for Plaintiff Fernandez faxed a letter to Counsel for the Defendants indicating that Plaintiff Fernandez had been “evaluated . . . for an acute [but unspecified] medical problem.” See Exhibit “A” attached hereto. The cryptic letter from Beth Israel Deaconess was woefully short on detail, substance and content. Therefore, on the morning of May 19, 2006, Counsel for the City Defendants faxed a latter to Counsel for Plaintiff

Fernandez asking that the actual medical record for this “evaluation” be produced no later than the Status Conference to which this supplemental report is addressed. See Exhibit “B” hereto.

Here, Defendants would note that the letter of Doctor Thakur (Exhibit “A” hereto) bears the following fax legend at the top:

“04/07/2000 02:05 5176617584 CAREER SOURCE Page 04”

Obviously, the date of this facsimile could not have been April 7, 2000, but the time of the facsimile could have easily been 2:05 p.m. It would appear there from that after the City Defendants filed their Supplemental Memorandum of Law (Docket No. 195), Plaintiff Fernandez sought medical attention, which the Defendants find suspect in this case. One reason the Defendants find this to be suspect is Plaintiff Fernandez’s comments at the time of her deposition on May 16 where she expressed her disdain for having to travel to Worcester to be deposed. Moreover, Dr. Shakur’s letter appears to be page 4 of a multi-page fax, yet Defendants’ Counsel have only been given this page. What was contained on the other pages? Why haven’t the Defendants’ Counsel been given the full and complete fax?

II.

The May 12, 2006, Meet and Confer Exhibits

In their Supplemental Certificate of Compliance with Local Rule 7.1 (Docket No. 194), the City Defendants attached the transcript of the meet and confer session with Plaintiffs’ Counsel. At the time, they did not have the marked exhibits to that transcript in scanned form. They are attached hereto as Exhibit “C.”

[Signatures on next page.]

For the Defendants
By their Attorneys,

/s/ Walter H. Porr, Jr.
Paul Capizzi, Esq., City Solicitor
BBO#: 646296
Walter H. Porr, Jr., Esq.
Assistant City Solicitor
BBO#: 659462
City Hall, 281 Broadway
Revere, MA 02151
781-286-8166

/s/ Michael J. Akerson
Reardon Joyce and Akerson
BBO#:
397 Grove Street
Worcester, MA 01605
508-754-7285

Dated: May 19, 2006.

CERTIFICATE OF SERVICE

I, Walter H. Porr, Jr., Assistant City Solicitor and counsel of record for the Defendants, City of Revere, City of Revere Police Department, Mayor Thomas Ambrosino and Police Chief Terence Reardon, hereby certify that I have electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. I caused to be served upon counsel of record, at the address stated below, via the method indicated, a true copy of same:

James S. Dilday, Esq.
Grayer & Dilday, LLP
27 School Street, Suite 400
Boston, MA 02108
Attorneys for the Plaintiffs
Via CM/ECF e-mail

/s/ Walter H. Porr, Jr.
Walter H. Porr, Jr.,

Dated: May 19, 2006